



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.D D (L-II)/SPPRA/CMS-3834/2022-23/ 1147

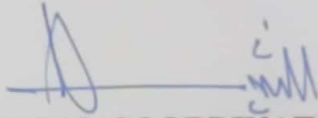
Karachi, dated the June 15th 2023

To,

The Deputy Inspector General of Police,
Traffic Licensing & Training Sindh,
KARACHI.

Subject: DECISION OF THE REVIEW COMMITTEE OF SPPRA NIT NO T01322-22-0007

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the decision of Review Committee on appeal submitted by M/s SBF Card Solution held on 08.06.2023, for taking necessary action.


(LEGAL COORDINATOR)

Copy forwarded for kind information:

1. The M/s SBF Card Solutions, office 403 4th floor, Europa Center, opposite sunny Plaza, Hasrat Mohani Road, Karachi (The Appellant)
2. Assistant Director (I.T), SPPRA (with an advice to post the decision on the Authority's website in terms of Rule-32(11) of the SPP Rules, 2010)
3. Members of Review Committee (All)



GOVERNMENT OF SINDH
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Decision of the Review Committee of Sindh Public Procurement Regulatory Authority (SPPRA) held on 08.06.2023 under Rule-32 of the SPP Rules, 2010

M/s SBF Card Solutions.....the Appellant

V/S

DIGP Traffic Licensing & Training Sindh, Karachi..... the Procuring Agency

Introduction:

DIG Driving License Branch, Karachi invited bids for procurement of Printing and Supply of Ploycarbonate Driving License Card using Laser Engraver vide NIT No. INF/KRY/923/23 dated 11.3.2023 published in Newspapers and also hoisted on SPPRA Website vide Serial No. T01322-22-0007. Method of procurement was Single Stage Two Envelope Bidding procedure.

Procurement Committee opened technical bids on 30.3.2023 and Financial bids on 05.05.2023. Bid Evaluation Report (BER) was hoisted on SPPRA Website under Rule-45 of the SPP Rules, 2010 on wherein M/s A Hamson Private Limited was declared as the Lowest Bidder and recommended for award of contract @ Rs. 243.50/- per card and rejected the bid of M/s SBF Cards on the grounds that the firm has quoted high rates (Rs. 250/- per card).

M/s SBF Cards submitted a complaint before the Complaint Redressal Committee (CRC) on 08.5.2023 under Rule-31 of the SPP Rules, 2010 against the decision of the Procurement Committee regarding declaration of M/s A Hamson Private Limited as qualified bidder because this firm has no experience and had participated in Joint Venture with another firm (M/s Kamera Kraft Data Card Network) which is not valid as PA had not allowed JV firms for participation in the bidding process.

Accordingly, CRC convened its meeting on 18.5.2023 and announced its decision wherein the complaint of M/s SBF Cards has been rejected on the grounds that it is clearly mentioned in the Bidding Documents at Sr. No. 2 that Join Venture can be entertained.

M/s SBF Card Solution had submitted Review Appeal before the Review Committee under Rule-32(5) of the SPP Rules, 2010 on 24.5.2023. The appellant in his appeal submitted that CRC failed to convene the meeting within seven days and announce its decision within three days as required under the Rules.

Proceedings of the Meeting:

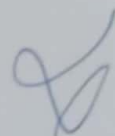
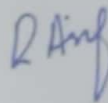
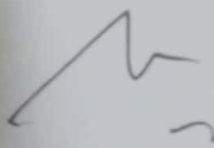
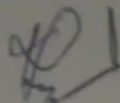
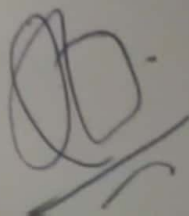
The Chair welcomed the participants and invited the representatives of the appellant (M/s SBF Card Solution) to explain his version. Appellant explained that the Procuring Agency has recommended for award of contract to JV firms which is not allowed in the bidding documents therefore the appellant did not submitted bid in partnership of JV. He further submitted that the PA unlawfully qualified JV arrangements between two bidders i.e. M/s Hamson Pvt Ltd and M/s Kamera Kraft Data Card Network. He stated that the Procurement Committee mis-interpreted the clause which related to understanding by OEM and termed this provision for JV participation.

The Committee asked from the representative of Procuring Agency regarding non convening of CRC and announcement of decision within stipulated time as mentioned in the Rules. The representative of PA submitted that due to official engagements of the Members of the committee the delay occurred. He further added that since PA has not proceeded in the matter and now the case has been placed before the RC, hence violation of Rules is not committed. Regarding the substance of the appeal, he explained that condition for participation through JV is already mentioned in the bidding documents under clause (V) of Evaluation Criteria provided on page no. 8 of the Bidding Documents therefore; the PC has recommended the JV firm for award of contract being the lowest quoted rates and fulfilled all requirement mentioned in the Bidding Documents. He further submitted that if the complainant had any confusion for understanding in any condition of the Bidding Documents, he could have approached the PA under Rule-42 of the SPP Rules, 2010 and clause 15 on page No. 6 of the Biding Documents.

The members of Review Committee examined the bidding documents issued by the PA and observed that the condition for participation through JV is mentioned under Section (V) - OEM Relationship i.e. the responding organization (RO) of one of the Joint Bidding Company to be authorized Partner / Reseller of the original manufacturer. Members also discussed that it is the responsibility of the bidder(s) to carefully read terms & conditions of the bidding documents and submit the bid along with bidding document duly signed and stamped on each and every page. It was further discussed that the appellant had not submitted complaint after technical evaluation but had submitted the complaint after opening of financial evaluation when he found out that rates quoted by his firm were higher which shows that intention of the bidder was not correct.

Observations of the Review Committee

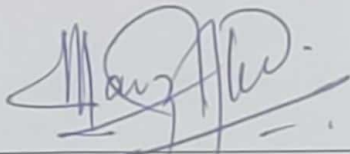
1. The Review Committee observed that the condition for participation as Joint Bidding Company was clearly mentioned in the Bidding Documents.
2. The appellant had not sought any clarification from the PA before submission of bid.



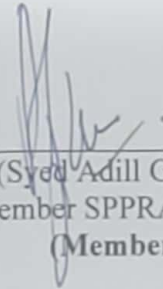
3. Constitution of Complaint Redressal Committee (CRC) is not as per Rule-31 of the SPP Rules, 2010. CRC does not include an independent professional from the relevant field as required under Rule-31(2)(b) of the SPP Rules, 2010. The RC noticed with serious concern that constitution of CRC without independent professional and its delayed decision is against the SPP Rules, 2010 and transparency.
4. CRC has not disposed of the complaint within stipulated time as mentioned under the Rules.

Decision of the Review Committee

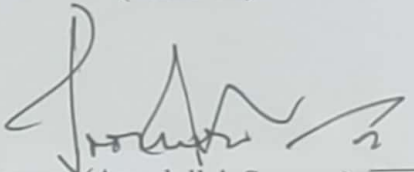
1. The Review Committee unanimously decided to reject the appeal of M/s SBF Card Solutions, *and may proceed further as per rules.*
2. The Procuring Agency is directed to reconstitute Complaint Redressal Committee and include an independent professional from relevant field (which shall not be a Government servant) as per Rule-31(2)(b) of the SPP Rules, 2010.
3. The Complaint Redressal Committee is directed to strictly observe the timelines provided in the Rules for redressal of grievances for future procurement processes.



(Manzoor Ahmed Memon)
Member SPPRA Board
(Member)



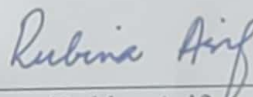
(Syed Adill Gilani)
Member SPPRA Board
(Member)



(Assadullah Soomro)
Independent Professional
(Member)



(Khair Muhammad Kalwar)
Special Secretary, P&D Department
(Member)



(Rubina Asif)
Managing Director, SPPRA
(Chairperson)